

08/02/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-83F

NAME AND ADDRESS: RUDY IRRIGATION CANAL CO LTD
14 N 4100 E
RIGBY ID 83442

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

Water is delivered from the Dry Bed.

QUANTITY: 1.150 CFS

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION:

T04N R40E S29 NENENW Within JEFFERSON County

T04N R40E S29 NENENW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.150 CFS

PLACE OF USE:

4838 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of use is within the area served by Rudy Irrigation Canal Company.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Water is delivered through Rudy Canal and Rudy (Boomer) Canal.



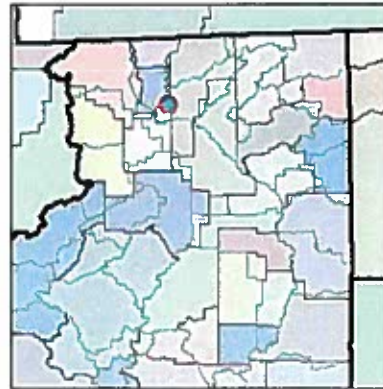
Rudy Irrigation Canal Co Ltd

SRBA Recommendations: 1-35D, 1-82D, 1-83F, 1-162E, 1-164E, 1-165E, 1-243, 1-10492, 1-10500, 1-10501

Service Area Boundary
GIS Place of Use Illustration

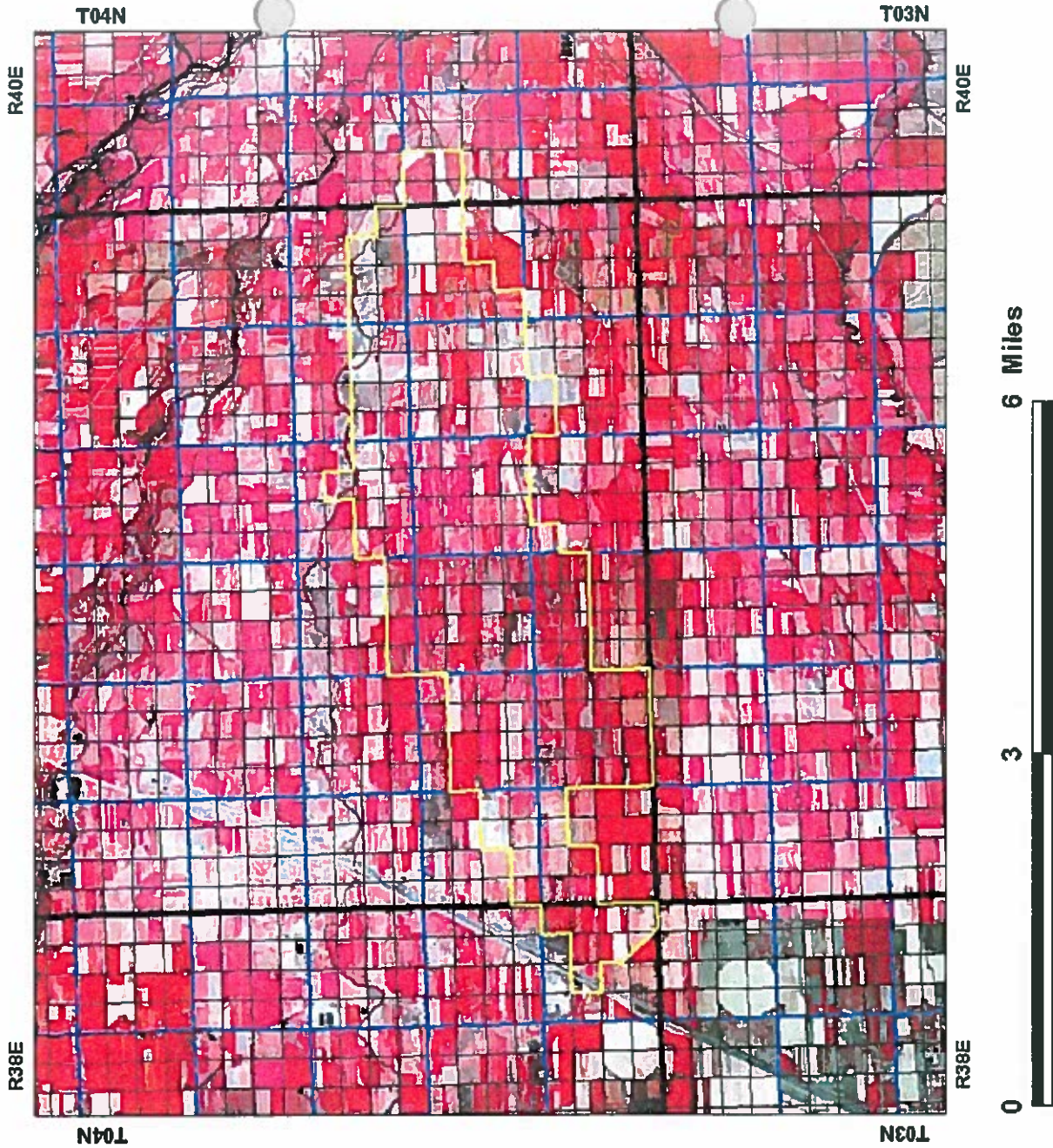
Legend

- Service Area
- Townships
- PLS Sections
- Quarter Quarters



Bonneville, Jefferson Counties
IDWR Basin 1

Prepared by C. Moore
On Monday, November 27, 2006
1987/88 Aerial Photography



12/07/2006 RECEIVED

DEC 07 2006

Department of Water Resources
Eastern Region

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: November 30, 2006

Water right number: 1-83F

RUDY IRRIGATION CANAL CO LTD
PO BOX 376
RIGBY ID 83442
Telephone Number: (208)522-3417

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

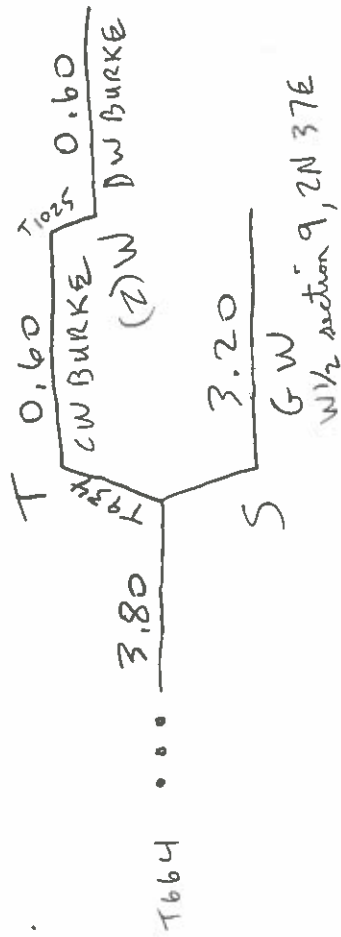
☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-7-06 SIGNATURE: John M. Price

Please print your name: John M. Price

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

KMD
217



B 1.41
 ED HILL
 HILL - PERTINER

1-83
 ISLAND IRR
 6/1/1891
 195

C 163.56
 ISLAND IRR
 193.56
 A ISLAND IRR

T 494 30
 D SUNNY BELL

E 161.26
 ISLAND IRR

T 611 2.30
 F H.L. WILSON
 (RUDY)
 (1.15 LOSS)

H 2.00
 GREAT WESTERN
 T 614
 K 4.00
 GREAT WESTERN
 (2.00 LOSS)

J 159.26
 ISLAND IRR
 155.26
 ISLAND IRR

M 21.36
 GREAT WESTERN
 (10.68 LOSS)

L 133.90
 ISLAND IRR

T 664 7.60
 GREAT WESTERN
 (3.80 LOSS)

(X) R (0.52 LOSS)
 T 691 1.04
 GW

126.30
 ISLAND IRR
 125.26
 (X) Q ISLAND IRR

U (AA)
 T.R. HOOPES
 0.80
 V (AB)
 CW BURKE
 0.20

N 126.30
 ISLAND IRR

T611

THIS IS TO CERTIFY That HARVEY L. WILSON, of Rigby, Idaho, is the owner of and using a certain water right from Snake River represented by 1182.3 shares of stock in the Island Irrigation Company (6 shares of stock representing 1 miners inch of water), said water being decreed to the ISLAND IRRIGATION COMPANY, by Judge J. M. Stevens of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of

THE REXBURG IRRIGATION COMPANY vs. THE TETON IRRIGATION CANAL COMPANY

said decree bearing date of December 16, 1910, for the purpose of irrigating undescribed lands of said stockholder, situate, lying and being in Water District No. 36, in the County of Jefferson, State of Idaho;

And that said decree has been entered in the records of the Department of Reclamation, State of Idaho, in Book 3 of Decrees, at Page 450;

THAT THE SAID HARVEY L. WILSON has become owner of said water right by the purchase of stock in the Island Irrigation Company, said water right being described as follows:

1.20 10 inches dated June 1, 1886;
1.22 21 inches dated June 1, 1887;
1.40 20 inches dated June 1, 1888;
1.28 14 inches dated June 1, 1889; and
2.30 115 inches dated June 1, 1891;

AND THAT Now, upon the application of HARVEY L. WILSON, of Rigby, Idaho, for the transfer of 3.6 cubic feet per second of said water, made before the Commissioner of Reclamation of the State of Idaho, and said application having been granted, the right to the use of 3.6 cubic feet per second of the waters of Snake River upon the lands above described is hereby abandoned, and the lands to be irrigated under one-half of the above mentioned rights, and to which one-half of the above mentioned water rights hereby confirmed shall become appurtenant by this Certificate, for irrigation and domestic purposes, are described as follows, to-wit:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25; NW $\frac{1}{4}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26,
Township 4 North, Range 39 East, B. M.,

situate, lying and being in Jefferson County, Idaho; and said water right shall be diverted from the Great Feeder Channel of Snake River through the Rudy Canal; and that the remaining one-half of the above mentioned water rights will be abandoned to the Snake River to compensate other users for less return flow from the lands to which the water right is hereby transferred.

THAT the said water is to be limited at any given time to an amount actually needed and used for beneficial purposes, and shall not exceed the following amounts, to-wit:

1.10 5 inches dated June 1, 1886; 10.5 inches dated June 1, 1887;
1.20 10 inches dated June 1, 1888; 7 inches dated June 1, 1889; and
1.15 57.5 inches dated June 1, 1891;

THAT the water right hereby transferred has heretofore been diverted from Snake River through the Island Irrigation Company Canal;

THAT the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

THIS IS A COPY OF THE ORIGINAL WHICH IS IN THE
OFFICE OF THE COMMISSIONER OF RECLAMATION
AT BOISE, IDAHO

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
OFFICE OF THE COMMISSIONER

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of
the Department of Reclamation of the State of Idaho to be hereunto affixed at
Boise, Idaho, this 15th day of July, 1940.

JAMES SPOFFORD
Commissioner of Reclamation

By *O. D. Becker*

O. D. BECKER
Supervisor of Water Distribution

[Faint, mostly illegible text follows, likely a continuation of a report or legal document.]

SCANNED

AUG 17 2001

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A01-00083F

Date Received:

Receipt No: 2004818

Received By: ENC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RUDY IRRIGATION CANAL CO., LTD. 208-745-7711
Address: P.O. BOX 507
RIGBY, ID 83442

2. Date of Priority: JUN 01, 1891

3. Source: SNAKE RIVER, DRY BED Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	40E	29	NE	NE	NW		JEFFERSON

5. Description of diverting works:
RUDY CANAL- TWO ADJACENT HEADINGS (SEE REMARKS FOR DESCRIPTION).

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/20	11/20	1.150		

7. Total Quantity Appropriated is:
1.150 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 13820.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	38E	36	SW	NE		IRR	40.0
			SE	NE		IRR	39.0
			SE	NW		IRR	30.0
			NE	SE		IRR	39.0

A01-00083F

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Date: 11, 20, 00

A0100083F



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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	38E	36	NW		SE		IRR	40.0
			SW		SE		IRR	39.0
			SE		SE		IRR	38.0
			Section Acres					265.0
	39E	21	SW		SW		IRR	38.0
			SE		SW		IRR	39.0
			SW		SE		IRR	39.0
			SE		SE		IRR	38.0
			Section Acres					154.0
		22	SW		NE		IRR	5.0
			NE		SW		IRR	40.0
			NW		SW		IRR	39.0
			SW		SW		IRR	38.0
			SE		SW		IRR	39.0
			NE		SE		IRR	39.0
			NW		SE		IRR	40.0
			SW		SE		IRR	39.0
			SE		SE		IRR	38.0
			Section Acres					317.0
		23	NE		SW		IRR	40.0
			NW		SW		IRR	39.0
			SW		SW		IRR	38.0
			SE		SW		IRR	39.0
			NE		SE		IRR	15.0
			NW		SE		IRR	13.0
			SW		SE		IRR	39.0
			SE		SE		IRR	38.0
			Section Acres					261.0
		24	NE		SW		IRR	26.0
			NW		SW		IRR	26.0
			SW		SW		IRR	38.0
			SE		SW		IRR	39.0
			NW		SE		IRR	17.0
			SW		SE		IRR	39.0
			SE		SE		IRR	15.0
			Section Acres					200.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	39E	25	NE		NE		IRR	38.0
			NW		NE		IRR	39.0
			SW		NE		IRR	40.0
			SE		NE		IRR	39.0
			NE		NW		IRR	39.0
			NW		NW		IRR	38.0
			SW		NW		IRR	39.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	39.0
			SW		SW		IRR	38.0
							Section Acres	429.0
		26	NE		NE		IRR	38.0
			NW		NE		IRR	39.0
			SW		NE		IRR	40.0
			SE		NE		IRR	39.0
			NE		NW		IRR	39.0
			NW		NW		IRR	38.0
			SW		NW		IRR	39.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	39.0
			SW		SW		IRR	38.0
			SE		SW		IRR	39.0
			NE		SE		IRR	39.0
			NW		SE		IRR	40.0
			SW		SE		IRR	39.0
			SE		SE		IRR	38.0
							Section Acres	624.0
		27	NE		NE		IRR	38.0
			NW		NE		IRR	39.0
			SW		NE		IRR	40.0
			SE		NE		IRR	39.0
			NE		NW		IRR	39.0
			NW		NW		IRR	38.0
			SW		NW		IRR	39.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	39.0
			SW		SW		IRR	38.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	39E	27	SE		SW		IRR	39.0
			NE		SE		IRR	39.0
			NW		SE		IRR	40.0
			SW		SE		IRR	39.0
			SE		SE		IRR	38.0
Section Acres								624.0
		28	NE		NE		IRR	38.0
			NW		NE		IRR	39.0
			SW		NE		IRR	40.0
			SE		NE		IRR	39.0
			NE		NW		IRR	39.0
			NW		NW		IRR	38.0
			SW		NW		IRR	39.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	39.0
			SW		SW		IRR	38.0
			SE		SW		IRR	39.0
			NE		SE		IRR	39.0
			NW		SE		IRR	40.0
			SW		SE		IRR	39.0
			SE		SE		IRR	38.0
Section Acres								624.0
		29	SW		NE		IRR	40.0
			SE		NE		IRR	39.0
			SW		NW		IRR	39.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	39.0
			SW		SW		IRR	38.0
			SE		SW		IRR	39.0
			NE		SE		IRR	39.0
			NW		SE		IRR	40.0
			SW		SE		IRR	39.0
			SE		SE		IRR	38.0
Section Acres								470.0
		30	SW		SW		IRR	38.0
			SE		SW		IRR	39.0
			NE		SE		IRR	39.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	39E	30	NW	SE		IRR	40.0
			SW	SE		IRR	39.0
			SE	SE		IRR	38.0
			Section Acres				233.0
		31	NE	NE		IRR	38.0
			NW	NE		IRR	39.0
			NE	NW		IRR	39.0
			NW	NW		IRR	38.0
			SW	NW		IRR	39.0
			SE	NW		IRR	40.0
			Section Acres				233.0
		32	NE	NE		IRR	38.0
			NW	NE		IRR	39.0
			SW	NE		IRR	40.0
			SE	NE		IRR	39.0
			NE	NW		IRR	39.0
			NW	NW		IRR	38.0
			SW	NW		IRR	39.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	39.0
			SW	SW		IRR	38.0
			SE	SW		IRR	39.0
			NE	SE		IRR	39.0
			NW	SE		IRR	40.0
			SW	SE		IRR	39.0
			SE	SE		IRR	38.0
			Section Acres				624.0
		33	NE	NE		IRR	38.0
			NW	NE		IRR	39.0
			SW	NE		IRR	20.0
			SE	NE		IRR	20.0
			NE	NW		IRR	39.0
			NW	NW		IRR	38.0
			SW	NW		IRR	27.0
			SE	NW		IRR	24.0
			Section Acres				245.0
		34	NW	NW		IRR	38.0
			Section Acres				38.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	39E	35	NE	NW		IRR	19.0
			NW	NW		IRR	38.0
					Section Acres		57.0
	40E	19	SW	SW		IRR	5.0
					Section Acres		5.0
		30	NE	NW		IRR	39.0
			NW	NW		IRR	23.0
			SW	NW		IRR	23.0
			SE	NW		IRR	40.0
					Section Acres		125.0
					Total Acres		5528.0

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

01-00035D/00159/00160/00162E/00163E/00082D/00164E/00165E/002

14. Remarks:

NORTH BRANCH CANAL - CONCRETE HEADING 30' WIDE WITH TWO (5'X5')
METAL SCREW GATES.SOUTH BRANCH CANAL - CONCRETE HEADING 38' WIDE WITH FOUR (4'X8')
METAL SCREW GATES.

CLAIM IS BASED PORTION OF RIGHT INCLUDED UNDER TRANSFER #611.

PLACE OF USE IS OWNED BY STOCKHOLDERS OF CANAL.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRR. CO. ET AL

Decree Plaintiff

vs

TETON IRR. CANAL CO. ET AL

Decree Defendant

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OCT 19 1992

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 9 additional claims plus section maps

For Organizations:

I do solemnly swear or affirm that I am President of
Rudy Freese Canal Co., LTD. that I have signed the foregoing
document in the space below as President of
Rudy Freese Canal Co., LTD. and that the statements contained in the
foregoing document are true and correct.

Bruce K. Brown
Signature of Authorized Agent

Rudy Freese
Title and Organization

11-30-88
Date

State of Idaho)
County of Jefferson) SS.

Subscribed and sworn (or affirmed) before me this 30th day
of November 1988

Carole Smith
Notary Public

Seal

Residing at Rigby
My Commission Expires 2/6/94